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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,483	10/26/2000	Jon Dakss	WMI-004CN3 (8415/5)	8413

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EXAMINER

REKSTAD, ERICK J

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 06/22/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/697,483

**Applicant(s)**

DAKSS ET AL.

**Examiner**

Erick Rekstad

**Art Unit**

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 52-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 65-71 is/are allowed.
- 6) ☒ Claim(s) 52-64 is/are rejected.
- 7) ☒ Claim(s) 72 and 73 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is a second action for application no. 09/697483 in response to Amendment filed April 5, 2004 in which claims 52-73 are presented for examination.

#### ***Response to Amendment***

Applicants' amendments have overcome the objections to claims 52 and 65.

#### ***Response to Arguments***

Applicants' arguments, see pages 12-14 of Amendment filed April 5, 2004, with respect to the rejection(s) of claim(s) 58-64 under 35 U.S.C. 102(b) as being anticipated by US Patent 5,883,633 to Gill et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US Patent 5,883,975 to Narita et al.

In regards to applicants' arguments related to the rejection of claims 52-56 under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,748,512 to Armstrong. Applicants' argue that Armstrong does not record for each successive traverse a series of values corresponding to said second value of each ordered pair. By defining the rows as identical in the first field, Armstrong has in fact recorded for each successive traverse a series of values corresponding to said second value of each ordered pair as these values are stored in the 4<sup>th</sup> field. Therefore the applicants' arguments are not persuasive.

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Applicants' arguments, see pages 15-18, filed April 5, 2004, with respect to claims 65-71 have been fully considered and are persuasive. The rejection of claims 65-71 has been withdrawn.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 58-64 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US Patent 5,883,975 to Narita et al.  
[claims 58 and 59]

As shown in Figure 13A-14, Narita teaches a method of encoding at least a portion of an image, comprising the steps of:

(a) defining a region of an image having pixels at locations identifiable by two non-collinear axes (Row and Column), each pixel having an appearance.

(b) analyzing axis-wise said pixels to determine sequences of pixels having substantially identical appearance.

(c) in the event that said analysis discloses two or more successive pixels having identical appearance, recording a series of ordered triples comprising a first value representing said appearance, a second value representing the number of successive pixels having said appearance, and a third value

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representing an offset defining a starting position of said two or more successive pixels with respect to a pixel at a known position (Col 24 Line 21- Col 25 Line 17)  
[claim 60 and 63]

Narita further teaches the variables can be color or brightness (Col 26 Lines 1-10).

[claims 61 and 62]

Narita further teaches the decoding of the encoded data produced by the method of claim 58 (Col 26 Lines 18-67, Figs 24-26).

[claim 64]

Narita teaches the storage of the rendering of pixels in said region on a computer-readable medium (Col 28 Line 63- Col 29 Line 15, 133 of Fig. 24).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 52-56 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,748,512 to Armstrong.

[claim 52]

Armstrong teaches a method of encoding at least a portion of an image, comprising the steps of:

(a) defining a region of an image having pixels at locations identifiable by two non-collinear axes, each pixel having an appearance (Col 4 Lines 24-50, Fig 1 and 2);

(b) analyzing axis-wise said pixels to determine sequences of pixels having substantially identical appearance (Col 5 Lines 41-43);

(c) comparing a sequence of pixels occurring along a first axis-wise traverse with a sequence of pixels occurring along a successive axis-wise traverse (Col 5 Lines 44-47);

(d) in the event that said comparison discloses two or more successive traverses having an identical number of distinct appearances in an identical progression, recording a number corresponding to the number of such successive traverses (22, Fig. 4a), recording for said first traverse a series of ordered pairs comprising a first value (26, Fig. 4a) representing the appearance and a second value (28, Fig. 4a) representing the number of successive pixels having said appearance, and recording for each successive traverse a series of values corresponding to said second value of each ordered pair (Col 5 Lines 1-64);

(e) in the event that said comparison fails to disclose two or more successive traverses having an identical number of distinct appearances in an identical progression, recording the number one and recording for said traverse a series of ordered pairs comprising a first value representing the appearance and a second value representing the number of successive pixels having said appearance (Col 5 Lines 3-4, Lines 17-35) ; and

(f) repeating steps (c), (d) and (e) until said pixels of said region are completely encoded (Col 5 Lines 36-67, Col 6 Lines 1-23, Fig 1 and 2).

As shown above for step (d), Armstrong teaches storing the values for a first line and the number of identical traverses following the first traverse. By the fact that the lines are identical the second value has been stored for each successive traverse. It would have been obvious to one of ordinary skill in the art at the time of the invention that Armstrong stores the number of identical rows therefore the second values, of the ordered pairs, for each successive traverse is recorded as required by claim 52.

[claim 53 and 55 ]

Armstrong teaches the method of claim 52 wherein said axis-wise traverse comprises traversing a selected one of a row and a column (Col 5 Lines 36-43 and Lines 65-66).

[claim 54]

Armstrong teaches the method of decoding an image encoded according to the method of claim 52, the method of decoding comprising the steps of:

(a) reading from a memory a location of a region within an image, said region defined by one or more pixels at location identifiable by two non-collinear axes, each pixel having an appearance (Col 7 Lines 5-22);

(b) reading from said memory a number corresponding to the number of successive traverses along one of said two non-collinear axes, said traverses having an identical number of distinct appearances in an identical progression (Col 7 Lines 23-35);

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(c) reading a series of ordered pairs comprising a first value representing an appearance and a second value representing the number of successive pixels having said appearance (Col 8 Lines 4-18)

(d) rendering pixels along said traverse according to said series of ordered pairs;

(e) in the event that said number read in step (b) reduced by one the steps of:

(1) reading from memory a series of values corresponding to said second value of each ordered pair read in step (c); and

(2) for each such value read in step (e)(1), rendering a sequence of pixels corresponding to said second value, each pixel having an appearance corresponding to said first value of said ordered pair read in step (c); and

(f) repeating steps (b) through (e) until said pixels of said region are completely rendered (Col 7 and Col 8 Lines 1-34, Fig 5-7).

[claim 56]

Armstrong teaches the method of claim 54 wherein rendering a pixel comprises displaying said pixel using at least one of a color, a brightness, a blinking, a flashing, and a display mode (Col 5 Lines 8-11).

[claim 57]

Armstrong the method of claim 54 further comprising the step of recording on a computer-readable medium a representation of said rendering of pixels in said region (Col 5 Lines 51-67, Fig 5).



***Allowable Subject Matter***

Claims 65-71 are allowed.

Claims 72-73 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,728,412 to Vasylyev.

US Patent 5,727,090 to Yellin.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 703-305-5543. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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